

Lyman Trumbull: The Abolitionist – Lawyer to the Thirteenth Amendment

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In the 1800s, a great man named Lyman Trumbull stood up for a cause that was nearly unheard of: black rights. With amazing tactics and great costs, Lyman Trumbull made a difference in the America of the past and the America of the future.

Trumbull saw slavery in Illinois as a prime concern. He felt that the indenture system that kept blacks as slaves was illegal. Although he was not an abolitionist, he thought that African-Americans living in Illinois should have equal rights. “Protestors believe that the institution of slavery is founded on both injustice and bad policy,” wrote one historian. This describes Lyman Trumbull’s strong feelings toward slavery. He felt that slavery should only be allowed in some states that wanted it as a right. Even with these strong emotions, for Trumbull slavery was a legal and political issue rather than moral. Also, he believed that free slaves could not be grouped with other Americans until good economic conditions had been achieved. These beliefs led Trumbull to turn his ideas into political actions.

Despite the fact that Lyman Trumbull was not an abolitionist, he accomplished great things for blacks as a lawyer. One case was *Jarrot v. Jarrot*. It involved Joseph Jarrot whose grandmother was a French African-American slave before the Northwest Ordinance in 1787. He sued Julia Jarrot for his wages and freedom. Lyman Trumbull with no pay, took the case to the Illinois Supreme Court stating that the Northwest

Ordinance applied to all blacks in the Northwest when passed. He won the case that in turn granted freedom to all French black slaves and their descendants. He advised any African-American servant that slavery was illegal in Illinois.

He took another case involving Sarah Borders and her children who ran away from their master. Sarah won the case because her time as a servant was finished. While in the Senate, Trumbull crated an amendment to a resolution that made an inquiry of an arms seizure. He thought this was necessary because during a raid in Kansas, the raiders were punished, while the Missouri raiders were praised. The Senate voted, and Trumbull's amendment fell 22 to 32.

Fortunately, Lyman Turnbull held his head high. In 1862, Trumbull favored many other new bills that opposed black slavery. He supported passing a bill ending slavery in the District of Columbia, which was amended, allowing blacks to testify in federal court. Trumbull also helped a bill which forbade the use of the Union Army to return runaway slaves to their owners. He backed another bill that made a treaty with Great Britain and suppressed slave trade.

He began to change in 1864. Trumbull felt that bills granting suffrage and civil rights went too far too quickly. To keep things balanced, Trumbull began to work with another Senator. Together they created the Freedman's Bureau to help blacks in housing and later education. Later, Trumbull voted for the first reconstruction act after the Civil War which created a new voters list that included African Americans.

Trumbull made a proposal that called for a limited confiscation of southern property, called the First Confiscation Act. After being rejected, he successfully added a change to the original bill that allowed substitution for jobs and people out of work. The day after the Battle of Bull Run, Trumbull's bill was easily passed by the Senate and the House. Lincoln signed Trumbull's bill on August 6, 1861.

The second year, Trumbull fought to further confiscation with the Second Confiscation Act. In southern states, property would be taken by the military. Slaves of the Confederates would be freed and the President could re-settle them in another area. It drew support from Radicals but other members had different ideas. That year he reported his bill to the Senate. He allowed the bill to be shunned for a few weeks before introducing it to the Senate. It differed from the original in many ways, by the lighter penalty for treason and confiscation for only certain classes of Confederates. President Lincoln vetoed it, but after much thought he signed it, allowing exclusion to expand.

On January 5, 1866, Senator Trumbull, chairman of the Senate Judiciary Committee at the time, introduced a civil rights bill and another bill to enlarge the powers of the Freedman's Bureau. It would allow the Freedman's Bureau "to secure freedom to all persons in the United States" The Freedman's Bureau bill and the Civil Rights bill were not a lot alike. They both gave equal rights to all people regardless of race and color. Although the two protested similar rights, the Civil Rights Act would affect areas with civil courts and the Freedman's Bureau would protect the rights of people and their

property. After much debating, both bills passed but President Johnson vetoed them.

Lyman Trumbull was very defensive about this. The bill did not shorten anyone's rights but only stated that in civil rights there should be equality for all. Each state may give or hold rights as it wants, but the only thing required is that the laws be neutral.

Trumbull's most prominent legislative achievement was his proposal of the Thirteenth Amendment. Trumbull rewrote the resolution of the Thirteenth Amendment, originally written by Senator John Henderson. It amended the United States Constitution so that slavery and servitude were illegal and gave Congress the power to enforce it. With this change, Trumbull fought for the consideration of the amendment. The Senate and the House both passed it and on January 31, 1865, it was sent to the states for ratification.

Lyman Trumbull is perhaps one of the greatest fighters for African-American rights in our history. He took his fight to the courts, Senate debates, and even the presidency. By taking part in a cause that may have been frowned upon in the past, Lyman Trumbull shaped our future. [From Lyman Trumbull "Lyman Trumbull Illinois' Extraordinary Legislator" www.lib.niu.edu/po/ips/ihy930239.html (Nov. 7, 2004); Lyman Trumbull "Lyman Trumbull led the attack on Andrew Johnson after he vetoed the Civil Rights Bill in March, 1866". www.saf.org/journal/7_14.html (Nov. 7, 2004); Lyman Trumbull, *Personal Security, Personal Liberty, and The Constitutional Right to Bear Arms: Visions of the Framers of the Fourteenth Amendment*. www.guncite.com/journals/halvisn.html (Nov. 7, 2004); Bessie Louise Pierce, *A History of Chicago*; Ralph Joseph Roske, *His Own Counsel*; Douglas Wilson, *Honor's Voice: The Transformation of Abraham Lincoln*.]